

Applicant: Glen E. Moore
Serial No.: 10/605,343
Group Art Unit: 1744

REMARKS

Claims 1-18, 21-35, and 37-46 remain in the subject application with claims 1, 44, and 45, in independent form. Claims 1, 21, 44, and 45, have been amended and claims 19, 20, and 36 have been cancelled. There is full support in the specification as originally filed for these amendments and no new matter is believed to be introduced.

The Examiner has objected to the drawings because reference number “117” was omitted. Applicant submits herewith, at tab 1, a replacement sheet incorporating reference number “117” as set forth in paragraph [0051]. Thus, the objection is believed to be overcome.

The Examiner also objects to the drawing for not showing a clip as claimed in claim 36. Applicant has cancelled claim 36 and the objection is believed to be overcome.

The Examiner has objected to paragraphs [0045], [0051], [0053], and [0054]. Applicant has amended these paragraphs as suggested by the Examiner and the objection is believed to be overcome.

The Examiner has objected to paragraph [0001] and indicated that the status of the co-pending application should be updated. Applicant respectfully disagrees. As set forth in MPEP 201.11(III)(A), benefit claims under 35 U.S.C. 120, 121, and 365(c) must identify the prior application by application number, or by international application number and international filing date, and indicate the relationship between the applications. In other words, all that is required by 35 U.S.C. 120 is to identify a prior

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application by its application number and specify a relationship between the applications.

The MPEP includes the following illustrative example: “When the nonprovisional application is entitled to an earlier U.S. effective filing date of one or more provisional applications under 35 U.S.C. 119(e), a statement such as "This application claims the benefit of U.S. Provisional Application No. 60/---, filed ---, and U.S. Provisional Application No. 60/ ---, filed ---." should appear as the first sentence(s) of the description or in an application data sheet.” Note that the above example does not include the status of the co-pending applications and there is not such field present on the Application Data Sheet approved by the USPTO.

As such, it is respectfully submitted that there is no requirement to identify a status of the copending applications in order to comply with the requirements of a specific reference. Thus, the objection should be withdrawn.

The Examiner has objected to the title of the invention. Applicant respectfully submits that the title is descriptive. As set forth in MPEP 606, “[t]he title should be brief but technically accurate and descriptive.” The subject invention claims a portable cleaning assembly and as such is believed to be technically accurate and descriptive. Thus, the objection should be withdrawn.

Claims 2-46 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the invention. Specifically, the Examiner contends that the usage of “An” for dependent claims should

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be replaced with “The”.

Applicant respectfully directs the Examiner’s attention to MPEP 608.01(m) and 37 C.F.R. §1.75, which set forth the requirements for the form of claims. As discussed in the MPEP, each claim begins with a capital letter and ends with a period. As set forth in §1.75(f), the claims shall be numbered consecutively in Arabic numerals and as set forth in §1.75(h), the claim or claims must commence on a separate physical sheet or electronic page. Note that there is no required form for preambles of dependent claims specified in 37 C.F.R. However, MPEP 608.01(n)(IV) indicates acceptable multiple dependent claims could read as follows: “Claim 5. A gadget according to claims 3 or 4, further comprising.” Note that the form rejected by the Examiner is explicitly suggested by the MPEP as acceptable. In view of the teachings within the MPEP and the omission of any requirements within the C.F.R, the §112 rejections should be withdrawn.

Claims 5-7, 13-14, 16, 20-24, 26-27, 30-31, 33-34, 41, and 43-46 stand allowable if rewritten to overcome the §112 rejections and to include all limitations of the base claim and intervening claims.

Claim 1 has been amended to incorporate the limitation of claim 20 and all intervening claims. As such, claim 1 is believed to be allowable. Claims 2-18, 21-35, and 37-43, which depend directly or indirectly from allowable claim 1, are also believed to be allowable.

Claims 44 and 45, previously being allowable, have been rewritten in independent

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form to include all limitation of the base claim. Therefore, claims 44 and 45 are believed to be allowable. Claim 46, which depends from allowable claim 45, is also believed to be allowable.

Claims 1 and 2-3 stand rejected on the ground of non-statutory obviousness-type double patenting. In view of the present amendments, the non-statutory obviousness-type double patenting rejection is believed to be moot.

It is respectfully submitted that the Application, as amended, is now presented in condition for allowance, which allowance is respectfully solicited. Applicant believes that no fees are due, however, if any become required, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account 08-2789.

Respectfully submitted

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Date

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EXHIBIT A